

### **REMARKS**

Claims 1-4 and 6-9 are currently pending in the present application. Claim 1 is the only independent claim.

Claims 2-4 have been amended, without prejudice, to more clearly claim the subject matter. The amendments are supported by the specification and claims as originally filed. For example, support for the amendment to claim 2 is found from the original claim 2, and support for the amendment to claims 3 and 4 is found from the original specification at page 7, lines 14 and 15.

New claims 8 and 9 are added to claim the subject matter at various scope. Support for the new claims is found, for example, from the original specification at page 7, line 16 to page 9, line 22.

The foregoing amendments do not add any new matter to the application. The amendment and the arguments presented below raise no new issues that would require further consideration and/or search. Thus, entry of the Amendment after the Final Rejection is respectfully requested.

### **Rejection of Claims 3 and 4 under 35 U.S.C. § 112**

Claims 3 and 4 remain rejected under 35 U.S.C. §112, first paragraph. The Examiner states that the specification does not reasonably provide enablement for arthropod in general, because arthropod is a broad phylum inclusive of, for example, crabs, lobsters, crayfish and shrimp, none of which have been shown to suffer the controlling affects of the formula (1) compound.

Claims 3 and 4 are amended to replace arthropod with acarina, thus exclusive of the crustaceans, such as those listed by the Examiner. The Examiner has agreed that the specification is enabling for controlling insects. Applicant respectfully submits that the specification is also enabling for controlling acarina.

Acarina are arachnids that contain mites and ticks. The specification provides examples of acarina that can be controlled by the presently claimed compound. See page 9, line 23 to page 10, line 6. It teaches pesticidal compositions comprising the presently claimed compound and various methods of formulating the compositions. See page 10, line 7 to page 12, line 28. The

specification also teaches how to control pests, including acarina, e.g., by applying the pesticidal composition of the present invention to the insects and acarina or locus where they inhabit, alone or together with other active ingredients of the insecticide and acaricide. See page 13, line 1 to page 15, line 3. The specification further provides working examples to illustrate how the presently claimed compound can be made, formulated and used in controlling pests, including acarina. See Examples. Test Example 1 showed that the presently claimed compound has superior activity in controlling mosquitoes, an insect species.

In view of the amount of direction or guidance provided in the specification, the working example on the effectiveness of the compound in controlling insects, the relatively high level of skill in the art, the reasonable predictability of acaricidal activity based on insecticidal activity, and the nature of the invention, a person of ordinary skill in the art would be able to make an acarina-controlling composition as that recited in claim 3 and conduct a method for controlling acarina as that recited in claim 4, all without undue experimentation.

Accordingly, reconsideration and withdrawal of the lack of enablement rejection of claims 3 and 4 are respectfully requested.

#### **Rejection of Claim 2 under 35 U.S.C. § 112**

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner points out that only the substitute at position 3 of the cyclopropane ring is structurally capable of having a *cis* or *trans* configuration, not that at position 1.

Claim 2 is amended to more clearly recite the proper stereochemistry of the claimed formula (1) compound as applicant originally intended, i.e., the “trans configuration” refers to the relative configuration of the substituents at position 1 and position 3 of the cyclopropane ring, not the configuration of each of the substituents alone.

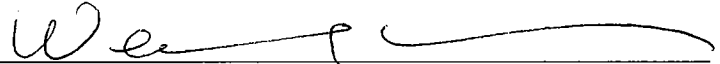
Accordingly, reconsideration and withdrawal of the indefiniteness rejection of claim 2 are respectfully requested.

Applicant respectfully submits that the present application is now in condition for allowance. Applicant appreciates the effort of the Examiner. An early Notice of Allowance of all pending claims 1-4 and 6-9 is thus respectfully requested.

The Examiner is invited to contact the undersigned attorney for any reason to advance the prosecution of this application.

Respectfully submitted,

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